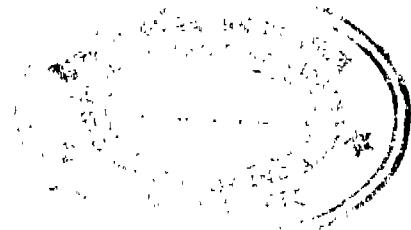


भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अस्तग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 17th December, 1999:—

I

BILL No. XLVI OF 1999

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Eighty-sixth Amendment) Act, 1999. Short title.
2. In article 243M of the Constitution, after clause (3), the following clause shall be inserted, namely:— Amendment of article 243M.

"(3A) Nothing in article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh."

STATEMENT OF OBJECTS AND REASONS

The Constitution (Seventy-third Amendment) Act, 1992 was brought into force with effect from the 24th April, 1993. The said Act provided that within one year from the date of commencement of that Act, all the States shall amend their local laws to bring them in conformity with the new provisions under the Constitution. This exercise was required to be completed before the 23rd April, 1994.

2. Article 243D provides for reservation for the Scheduled Castes and the Scheduled Tribes in every Panchayat. Arunachal Pradesh is a State inhabited fully by indigenous tribal people. No Scheduled Castes exist in the State. No reservation of seats for the Scheduled Castes has been made in the State Legislative Assembly and no provisions exist under any law to that effect. There is also no reservation for the Scheduled Castes in State Government services.

3. The Bengal Eastern Frontier Regulation, 1873 and the Chin Hills Regulation, 1896 provide special protection and safeguard for the peaceful existence of the indigenous tribal people of Arunachal Pradesh. These laws prohibit the entry of outsiders in the tribal area without "Inner Line Permit". Only the indigenous tribal people are allowed to participate in the democratic processes.

4. The tribal society in Arunachal Pradesh is casteless, where social equality among men and women has prevailed over centuries and ages. Since no Scheduled Castes exist in the State and the State of Arunachal Pradesh is singularly free from the caste system, it is proposed to insert a new clause (3A) in article 243M of the Constitution of India, to exempt the State of Arunachal Pradesh from the application of article 243D relating to the reservation of seats in Panchayats for the Scheduled Castes.

5. This will provide a legal and constitutional basis for Panchayat Raj Institutions in Arunachal Pradesh in accordance with the socio-political ethos of the State.

6. The Bill seeks to achieve the aforesaid objective.

SUNDER LAL PATWA.

II

BILL NO. XLVII OF 1999

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Eighty-seventh Amendment) Act, 1999. Short title.

2. In article 243C of the Constitution,—

(i) after clause (2), the following clause shall be inserted, namely:—

"(2A) Notwithstanding anything in clause (2), the Legislature of a State may, by law, provide that all the seats in a Panchayat—

(a) at the intermediate level shall be filled by persons elected as Chairpersons of the Panchayats at village level in the Panchayat area of such intermediate level;

(b) at the district level, in the case of a State not having Panchayats at the intermediate level, shall be filled by persons elected as Chairpersons of the Panchayats at the village level in the Panchayat area of such district level; and

(c) at the district level, in the case of a State having Panchayats at the intermediate level, shall be filled by persons elected as Chairpersons of Panchayats at the intermediate level in the Panchayat area of such district level.";

(ii) for clause (5), the following clause shall be substituted, namely:—

"(5) The Chairperson of a Panchayat at the village level, intermediate level or district level shall be elected in such manner as the Legislature of a State may, by law, provide.".

Amendment of
article 243C.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Seventy-third Amendment) Act, 1992 was brought into force with effect from the 24th April, 1993 in view of the imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj Institutions and to impart certainty, continuity and strength to them. In the working of this Part, it has been found by certain States that while on the one hand the elected members of the territorial constituencies of the Panchayats at the intermediate level and the district level have no substantive functions to perform, on the other, the other representatives of the village and intermediate level Panchayats are denied any role in the election of Chairpersons at the higher level.

2. The Panchayats at the village level, intermediate level and district level as institutions of self-government for the rural areas are found to be inconvenienced by the absence of any strong organic linkage between the three levels of the Panchayats and the members of the territorial constituencies at the intermediate level and the district level. The Chairpersons of the Panchayats at the village level and the intermediate level are feeling deprived of any effective role in the Panchayats at the intermediate level and the district level respectively. The situation has led to the different functionaries working at cross purposes leading to contradictions and controversies in the functioning of the Panchayats at different levels. Further, the State Legislatures have been provided with the discretion to determine by law, the manner of election of the Chairpersons at village level but no such discretion to make law has been endowed on them in respect of elections to Chairpersons of the Panchayats at the intermediate and the district level.

3. It is, therefore, considered necessary to confer upon the Legislatures of the States, the discretion to fill all the seats in the Panchayats at intermediate level and district level by persons elected as Chairpersons at the village level Panchayats and intermediate level Panchayats and also to provide discretion in the manner in which the Chairpersons of the Panchayats at the intermediate level or the district level have to be elected as has been allowed in the case of Panchayats at the village level.

4. Consequently it has been proposed to make appropriate provisions for providing such an alternative to the legislatures of the States to make such law accordingly, by amending article 243C of the Constitution suitably.

5. This Bill seeks to achieve the aforesaid objective.

SUNDER LAL PATWA.

R.C. TRIPATHI,
Secretary-General.